

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

Chapter 7

LESSNO LLC,

Case No. 09-44979-ess

Alleged Debtor.

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PRE-TRIAL ORDER

WHEREAS, on June 12, 2009, the Petitioning Creditors filed an involuntary petition against Lessno LLC (the "Alleged Debtor") under Chapter 7 of the Bankruptcy Code; and

WHEREAS, on July 31, 2009, the Alleged Debtor filed an answer objecting to the Involuntary Petition (the "Answer"); and

WHEREAS, Bankruptcy Code Section 303(h) provides that "after trial, the court shall order relief against the debtor in an involuntary case . . . only if—(1) the debtor is generally not paying such debtor's debts as such debts become due unless such debts are the subject of a bona fide dispute as to liability or amount . . ."; and

WHEREAS, on June 18, 2010, the Court held a status conference in this case at which the Alleged Debtor and the Petitioning Creditors appeared, and the Court concluded that it is necessary to hold a trial to determine whether an order for relief shall be entered against the Alleged Debtor pursuant to Bankruptcy Code Section 303(h); and

WHEREAS, on July 21, 2010, the Court held a continued status conference in this case at which the Alleged Debtor and the Petitioning Creditors appeared by telephone and were heard; and

WHEREAS, on August 17, 2010, the Court held a continued status conference in this case at which the Alleged Debtor and the Petitioning Creditors appeared and were heard; and

WHEREAS, on August 20, 2010, the Court held a continued status conference in this case at which the Alleged Debtor and the Petitioning Creditors appeared by telephone and were heard.

NOW, THEREFORE, it is hereby

ORDERED, that the parties shall complete all fact and expert discovery by September 20, 2010; and it is further

ORDERED, that the parties shall appear in person on September 22, 2010, at 3:00 p.m., at a final pre-trial conference before the Honorable Elizabeth S. Stong, United States Bankruptcy Court for the Eastern District of New York, 271 Cadman Plaza East, Courtroom 3585, Brooklyn, New York 11201; and it is further

ORDERED, that counsel for all parties are directed to confer and then prepare, execute, and file with the Court a joint document captioned "Joint Pre-Trial Statement." On or before October 8, 2010, the parties shall submit to the Court the Joint Pre-Trial Statement, which shall set forth:

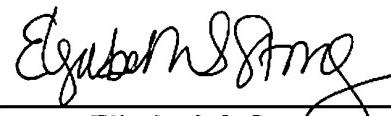
1. A statement of the material facts in dispute.
2. A statement of the material facts not in dispute.
3. A description of the legal and factual issues to be decided by the Court, and any anticipated dispositive motion practice.
4. The estimated length of the trial.
5. A statement as to whether any attempts have been made at resolving any of the issues in dispute and any results of such attempts, and whether non-binding mediation under the Court's Alternative Dispute Resolution program, pursuant to Rule 9019-1 of the Local Rules for the United States Bankruptcy Court for the Eastern District of New York, would be of assistance.
6. Two copies of each exhibit to be offered by all parties. The exhibits should be pre-marked. In the event that there are more than 15 exhibits to be introduced at the trial, the exhibits should be tabbed or included in a binder for easy reference.

7. A list of the fact and expert witnesses to be called by each party and a statement as to which disputed issues of fact such witness' testimony will be directed.

It is expected that a single Joint Pre-Trial Statement will be filed. However, if for any reason, a single Joint Pre-Trial Statement cannot be filed, separate Pre-Trial Statements may be filed with proof that each has been served upon all parties. And it is further ORDERED, that a trial to determine whether an order for relief shall be entered against the Alleged Debtor pursuant to Bankruptcy Code Section 303(h) will commence on October 25, 2010, at 9:00 a.m., before the Honorable Elizabeth S. Stong, United States Bankruptcy Court for the Eastern District of New York, 271 Cadman Plaza East, Courtroom 3585, Brooklyn, New York 11201.

Dated: Brooklyn, New York
August 24, 2010




Elizabeth S. Stong
United States Bankruptcy Judge

TO:

Lessno LLC
44-02 23rd Street
Long Island City, NY 11101

Michael J Connolly
Bressler Amery & Ross PC
17 State Street
New York, NY 10004

Joseph Sanchez, Esq.
Law Office of Joseph Sanchez, P.C.
295 Northern Boulevard
Suite 301
Great Neck, NY 11021

CERTIFICATE OF NOTICE

District/off: 0207-1
Case: 09-44979

User: pmillet
Form ID: pdf000

Page 1 of 1
Total Noticed: 1

Date Rcvd: Aug 25, 2010

The following entities were noticed by first class mail on Aug 27, 2010.
db +Lessno LLC, 44-02 23rd Street, Long Island City, NY 11101-5000

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
aty ##+Joseph Sanchez, Law Office of Joseph Sanchez, P.C., 295 Northern Boulevard, Suite 301,
Great Neck, NY 11021-4701
TOTALS: 0, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 27, 2010

Signature:

